

SENATE BILL 3387

By Tate

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 1, relative to parental rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-1-102(1)(D), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(D) For purposes of this subdivision (1), "willfully failed to support" or "willfully failed to make reasonable payments toward such child's support" means the willful failure, for a period of four (4) consecutive months, to provide monetary support or the willful failure to provide more than token payments toward the support of the child, provided that a written court order or ratified permanency plan pursuant to § 37-2-403 from any court of competent jurisdiction has established an obligation to pay child support, and:

(i) A written court order provides notice to the parent or parents that the failure to pay child support for four (4) consecutive months constitutes abandonment and may result in termination of parental rights; or

(ii) A written notice that explains that willful failure to support for four (4) consecutive months is grounds for termination of parental rights has been provided to the parent or parents at least four (4) months preceding the filing of a petition to terminate parental rights, and a copy of this notice is attached to such petition;

SECTION 2. Tennessee Code Annotated, Section 36-1-102(1)(E), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(E) For purposes of this subdivision (1), "willfully failed to visit" means the willful failure, for a period of four (4) consecutive months, to visit or engage in more than token visitation, provided that in any court action involving paternity, custody, support or visitation, and:

(i) A written court order provides notice to the parent or parents that the failure to visit the child for four (4) consecutive months constitutes abandonment and may result in termination of parental rights; or

(ii) A written notice that explains willful failure to visit the child for four (4) consecutive months is grounds for termination of parental rights has been provided to the parent or parents at least four (4) months preceding the filing of a petition to terminate parental rights, and a copy of this notice is attached to such petition;

SECTION 3. Tennessee Code Annotated, Section 36-1-113(d)(3)(A), is amended by inserting the appropriately designated subdivisions:

() Any notice required pursuant to subdivision (d)(4) has been given;

() The child will be placed in the guardianship of other persons or agencies who shall have the right to adopt the child or to place the child up for adoption and to consent to such child's adoption; and

() The parent or guardian shall have no further right to notice of proceedings for the adoption of the child and the parent or guardian shall have no right to object to the child's adoption or thereafter to have any relationship, legal or otherwise, with the child.

SECTION 4. Tennessee Code Annotated, Section 36-1-113(d), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) The petition, if filed separately from the adoption petition, may be filed as provided for in § 36-1-114. If the petition is filed in a court different from the court where there is a pending custody, dependency, neglect or abuse proceeding, concerning a person whose parental rights are sought to be terminated in the petition, a notice of the filing of the petition, together with a copy thereof, shall be sent by the petitioner to the court where the prior proceeding is pending.

SECTION 5. Tennessee Code Annotated, Section 36-1-113(g), is amended by deleting the language "Initiation of termination of parental or guardianship rights may be based upon any of the following grounds" and by substituting instead the following:

Initiation of termination of parental or guardianship rights may be based upon any of the following grounds, which are cumulative and non-exclusive, so that listing conditions, acts or omissions in one (1) ground does not prevent another ground

SECTION 6. Tennessee Code Annotated, Section 36-1-113(g)(9), is amended by deleting subdivision (A) in its entirety and by substituting instead the following:

(A) The parental rights of any person may also be terminated based upon any one (1) or more of the following additional grounds:

(i) The person has failed, without good cause or excuse, to pay a reasonable share of prenatal, natal, or postnatal expenses involving the birth of the child in accordance with the person's financial means upon the person's receipt of notice of the child's impending birth;

(ii) The person has failed, without good cause to provide reasonable and consistent support of the child;

(iii) The person has failed to seek reasonable visitation with the child and, if visitation has been granted, has failed to visit altogether, or has engaged in only token visitation, as defined in § 36-1-102(1)(C);

(iv) The person has failed to manifest an ability and willingness to assume legal and physical custody of the child;

(v) Placing custody of the child in the person's legal and physical custody would pose a risk of substantial harm to the physical or psychological welfare of the child; or

(vi) The person has failed to file a petition to establish paternity of the child within thirty (30) days after notice of alleged paternity by the child's mother, or as required in § 36-2-318(j), or after making a claim of paternity pursuant to § 36-1-117(c)(3);

SECTION 7. This act shall take effect July 1, 2008, the public welfare requiring it.